United Nations S/2005/96

Security Council

Distr.: General
18 February 2005

Original: English

Letter dated 11 January 2005 from the Secretary-General addressed to the President of the Security Council

You may recall that in his letter dated 18 February 2000 (S/2000/137), the President of the Security Council conveyed to me the Security Council's conviction that those responsible for grave violations of international humanitarian law and human rights in East Timor in 1999 should be brought to justice. He also underlined that the United Nations had a role to play in this process. Most recently, the Security Council, by its resolution 1573 (2004), reaffirmed the need to fight against impunity and, in this regard, took note of my intention to continue to explore possible ways to address this issue and make proposals as appropriate. On 21 December 2004, I met jointly with the Foreign Ministers of Indonesia and Timor-Leste in New York, who conveyed to me the thinking and approach of their respective Governments in this matter.

I should like to inform the Security Council that I have decided to establish an independent Commission of Experts. The Commission, consisting of three experts, would conduct a thorough assessment of the progress made by the Indonesian judicial process involving the ad hoc Human Rights Tribunal in Jakarta, and the serious crimes process, involving the Serious Crimes Unit and the Special Panels for Serious Crimes in Dili.

The Commission of Experts will be tasked, inter alia, with assessing the effective functioning of the two judicial processes, identifying obstacles and difficulties encountered and evaluating the extent to which they have been able to achieve justice and accountability for the crimes committed in East Timor. It will undertake to recommend further measures and/or mechanisms as appropriate so that the perpetrators are held accountable, justice is secured for the victims and the people of Timor-Leste, and reconciliation is promoted. The Commission of Experts will also be requested to consider ways in which its analysis could be of assistance to the Truth and Friendship Commission, which Indonesia and Timor-Leste have agreed to establish.

The composition of the Commission of Experts will be announced in the near future. However, given the recent tsunami disaster and the emergency situation in Indonesia, I will adjust the timing of the announcement and the dispatch of the Commission of Experts to the region as appropriate.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-24359 (E) 180205

United Nations S/2005/97

Security Council

Distr.: General
18 February 2005

Original: English

Letter dated 26 January 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 11 January 2005 (S/2005/96) concerning your decision to establish an independent commission of three experts (Commission of Experts) to conduct an assessment on the prosecution of serious crimes committed in East Timor in 1999 and provide recommendations in this regard has been brought to the attention of the members of the Security Council. They take note of the decision and information contained in your letter, including your intention to adjust the timing of the announcement and the dispatch of the Commission of Experts to the region, as appropriate, given the recent tsunami disaster and emergency situation in Indonesia.

(*Signed*) César **Mayoral**
President of the Security Council

05-24353 (E) 180205